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SUBJECT: TURKMENISTAN: INPUT FOR OSCE HUMAN DIMENSION
IMPLEMENTATION MEETING

REF: STATE 59944

¶1. (SBU) In preparation for the annual OSCE Human Dimension Implementation Meeting, Post highlights the following areas in which the Government of Turkmenistan fails to implement its OSCE commitments with respect to human rights and fundamental freedoms. Improvement in many of these areas would require fundamental revisions of existing laws, accompanied by active implementation through training and public awareness raising. Also noted are several immediate measures such as registration of NGOs and religious groups and acceptance of ICRC prison visits that would demonstrate the government's willingness to improve.

Freedom of Movement

¶2. (SBU) Despite government assertions to the contrary, the government continues to restrict the right of its citizens to leave the country. While officially only criminals and persons considered a security risk to neighboring countries are not allowed to leave, Post is aware of individuals who were not allowed to leave the country because they were family members of persons out of favor with the government (for example independent journalists), as well as family members of prisoners convicted in connection with the attempted assassination of former President Niyazov. One proposed U.S.-funded exchange program participant was not allowed to depart, supposedly due to his past government employment.

Media Freedom

¶3. (SBU) Mass media in Turkmenistan is controlled by the state. The limited number of independent local journalists who prepare reports for international organizations, such as RFE/RL and the Institute for War and Peace Reporting, continue to face government harassment as a result of their work.

Democracy

¶4. (SBU) Despite revisions to the Election law in October 2008, including the adoption of some recommendations made by international experts, the conduct of parliamentary elections in December 2008 fell far short of OSCE and international standards for free and fair elections. There is currently one political party. Regulations should be developed that provide a procedure for the establishment of alternative political parties. The government should ensure that independent candidates are allowed to run for office, as provided by law.

Prison Access

¶5. (SBU) The government has not agreed to allow the International Committee of the Red Cross (ICRC) access to its prisons.

Freedom of Religion

¶6. (SBU) We are aware of plans to revise the Law on Religion and urge timely completion of that work. As part of that process, we encourage consultations with representatives of all religious groups in order to take into account their needs and concerns. The final text of the law should incorporate recommendations by international experts to insure conformity with international standards and commitments in these areas. The government should clarify the registration requirements for religious organizations and

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register groups that meet the requirements. Post has specifically urged the registration of the Svet Zhizni (Light of Life) and Iman Yoly (Path of Faith) Turkmen Baptist Church, two churches that have applied multiple times. The government should offer alternative service for conscientious objectors. In May, two Jehovah's Witnesses were sentenced to prison for refusing obligatory military service based on their religious beliefs. In addition, other Jehovah's Witnesses, although not currently imprisoned, are subject to official threats and the risk of prosecution because of their refusal to serve in the military.

NGOs

¶7. (SBU) We are aware of plans to revise the Law on Public Associations and urge timely completion of that work. Despite a current law that allows public organizations, in practice registration for independent NGOs is nearly impossible. Without registration, groups are not allowed to carry out activities such as rent space, hold public meetings and advertise events. Groups that apply for registration typically receive in response a list of "deficiencies" in the group's documentation. Upon re-application, in addition to the fees charged with each application, groups find that additional deficiencies are identified, which tends to discourage groups from continuing the process. Post has raised with the government the registration of three specific NGOs: the Fulbright Alumni Association, Yelken (an alumni association for all USG-funded exchange programs), and Turan Mugallym (a group of teachers with emphasis on English language and computer training). To date, none of these groups have been able to register, despite extensive efforts.

MILES